

HEALTH & HUMAN SERVICES COMMITTEE
of the
Suffolk County Legislature
Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **December 15, 2005**.

Members Present:

Legislator Paul Tonna • Chairman
Legislator John Kennedy
Legislator Ricardo Montano
Legislator Peter O'Leary
Legislator Brian Foley

Members Not Present:

Legislator Allan Binder • Vice•Chair
Legislator Daniel Losquadro

Also in Attendance:

Ian Barrt • Assistant Counsel to the Legislature
BJ McCartan • Aide to Legislator Tonna
Ilona Julius • Deputy Clerk/Suffolk County Legislature
John Ortiz • Senior Budget Analyst/Budget Review Office
Lisa Keys • Aide to Presiding Officer Caracappa
Dan Hickey • Aide to Presiding Officer Caracappa
Frank Tassone • Aide to Majority Leader
Paul Perillie • Aide to Minority Leader
Kara Hahn • Aide to Legislator Vilorio•Fisher
Ben Zwirn • Assistant County Executive
Todd Stebbins • County Executive's Assistant
Jacqueline Caputi • County Attorney's Office
Janet DeMarzo • Commissioner/Department of Social Services
Ed Hernandez • Deputy Commissioner/Department of Social Services

Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services

Dr. Brian Harper • Commissioner/Department of Health Services

Len Marchese • Department of Health Services

Vito Minei • Director/Division of Environmental Quality/DHS

Walter Dawydiak • Chief Engineer/Department of Health Services

Steven Moll • Island Public Affairs

Emi Endo • Newsday

All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 11:35 A.M.*)

CHAIRMAN TONNA:

I would like to start with the pledge led by Legislator Kennedy

Salutation

Thank you very much. It doesn't look like there's a large agenda, even on the hidden agenda I think it's pretty small. So we'll move this pretty quickly.

It's nice to see everybody here; I myself, I'm glad to see myself here at this committee. It's kind of, I guess, I'd say probably for Legislator O'Leary, myself and Legislator Foley, it's a little bitter sweet, right? I don't know if you guys have any other committee meetings, but this will be my last committee meeting. And my first experience as a Legislator was at a committee meeting, before a General Meeting. Well, I guess you get sworn in and stuff, but that wasn't much, the party leaders all told you what to do anyway.

LEG. FOLEY:

Well, Mr. Chairman, it should be stated for the record, though, that it's quite apropos that the final committee meeting is in the Health Committee since I'd say one of your signature pieces of

legislation dealt with public health, particularly tobacco control some eleven years ago.

CHAIRMAN TONNA:

Yep.

LEG. FOLEY:

And there were a lot of lessons learned from that and certainly your leadership set the tone, if you will, for the subsequent eleven years where you and I and others in a bipartisan way were able to work together to strengthen the tobacco control laws of this County over the last eleven years, to the point now that through our good work, literally tens of thousands of County residents will have their lives saved or extended due initially to your great leadership on the issue. So it really is quite appropriate for the both of us that our final committee meeting is here in the Health Committee.

CHAIRMAN TONNA:

Yeah. And, you know, you think about it and you think about that initial battle with Legislator Bredes who was really the brains behind the whole operation and kind of gave us the fortitude to take on that issue. I was down in Charleston, South Carolina just over the weekend and it's amazing, they're still trying to break up the smoking and nonsmoking section. You know, I thought it was pretty interesting, obviously a tobacco state like South Carolina, I guess they'll be the last state to change their laws. But it was amazing how •• it was almost like you were in a time warp, I forgot what it's like to be in a room, you know, dining with smoke in it.

It's a pretty interesting testament, too, when Legislators put their minds together to work as a team, some of the things that can happen. And I probably, Legislator Foley and I would probably say because it's •• but New York State probably has the law, Nassau County, New York City and Westchester, they went after Suffolk County.

LEG. FOLEY:

That's right.

CHAIRMAN TONNA:

So in a certain sense, you know, I think it worked out pretty well.

I also •• it's great to see both the Commissioner of Health, Dr. Harper, and Commissioner of

Social Services, Janet DeMarzo, it's great to see you both here. I know there's not a large agenda, but it's great to see you guys. I don't think it could be any better than to finish up with the County Executive's representative being Ben, I mean, that's great. So this will be the last time •• well, the second to last time probably I will see you in an official capacity so, you know, •• all right, let's get to the •• hey, guess what? No cards.

LEG. O'LEARY:

Let's have a group hug.

CHAIRMAN TONNA:

Well, Pete, I'm always open to being hugged by you, as long as you're giving me strokes on the golf course. We have a few tabled resolutions, so we'll go through them quickly.

Tabled Resolutions

2084•05 • Adopting Local Law No. 2005, a Local Law to protect residents of Suffolk County against domestic violence (Cooper).

Is there a motion?

LEG. O'LEARY:

Motion to table.

CHAIRMAN TONNA:

Okay, I'll second that. All in favor? Opposed? ***Tabled***
(VOTE: 5•0•0•2 Not Present: Legislators Binder & Losquadro).

Okay, ***2096•05 • To reestablish the Suffolk County "Disaster Animal Rescue Plan" Task Force (Cooper).*** On principal, I promised Legislator Cooper I would never vote for another bill that he introduces about pets. So I'm going to allow somebody else to provide the leadership here and decide what they want to do with the animal rescue plan. Has Legislator Cooper mentioned anything?

LEG. FOLEY:

It's actually a task force.

CHAIRMAN TONNA:

Yeah, I'd much rather it ••

LEG. FOLEY:

Motion to table.

CHAIRMAN TONNA:

Motion to table, I'll second it. I would much rather a task force about poor people than one about, you know, dogs and cats. Okay, ***tabled (VOTE: 5•0•0•2 Not Present: Legislators Binder & Losquadro).***

No. 2203•05 • To supplement existing HEAP Program to benefit a wider range of Suffolk residents (Alden). Does anybody know what the sponsor's wishes are.

LEG. FOLEY:

Do we know?

LEG. O'LEARY:

No.

CHAIRMAN TONNA:

Okay, we're going to make a motion to table, we'll leave that for something else. Seconded by myself.

LEG. O'LEARY:

I'd like to •• in light of the fact that I haven't had a conversation with the sponsor and because we are •• there are some time constraints with respect to the two year cycle being over and the 20th being the last meeting of the year for the two year cycle, what I would like to do is to discharge this without recommendation. I make a motion to discharge without recommendation.

CHAIRMAN TONNA:

Okay. I'll second that, but just on •• what does this do; maybe I'd ask Legal Counsel?

MR. BARRY:

This would just supplement the funding for the HEAP Program, changing the income guidelines. It actually doesn't provide any funding, it really just changes the income guidelines for qualification for HEAP.

MR. ZWIRN:

Mr. Chairman? Mr. Chairman, if I might. We are working with the sponsor on this. It's a question of whether we increase the funding for the current guidelines or do we change the guidelines to make more people eligible for the HEAP Program, and I think that's •• we're just trying to work that out. The County Executive is supportive of this, but the sponsor has agreed that we're trying to figure out which is the best way to go with the staff that DSS currently has, just the mechanics of it.

LEG. O'LEARY:

Well, I •• if I may, through the Chair?

CHAIRMAN TONNA:

Yeah.

LEG. O'LEARY:

That's the reasoning then for my discharge without recommendation, at least before the full body and it can be carried over.

CHAIRMAN TONNA:

Is that a problem, do you think?

MR. ZWIRN:

No. I'll reiterate and Legislator Alden will be there and I think he'll concur with what we have to say.

LEG. O'LEARY:

Yeah.

CHAIRMAN TONNA:

All right, that's great.

LEG. FOLEY:

Just through the Chair, if I may. Are we looking to try to get something done by next Tuesday as opposed to January?

COMMISSIONER DEMARZO:

You know, I want to leave Ben to the policy, but let me explain to you that the Department of Social Services ••

CHAIRMAN TONNA:

That's a scary thought.

MR. ZWIRN:

I agree.

COMMISSIONER DEMARZO:

•• has begun the process of identifying the staff needed to implement a program to provide additional •• there is \$1 million appropriated, I guess it's appropriated, in the 2006 budget ••

LEG. FOLEY:

Right.

COMMISSIONER DEMARZO:

•• for additional energy benefits, the issue was what the policy would be for distributing them. Legislator Alden put this legislation in and I had spoken at the last committee meeting that we really needed to talk about making sure that the most money got out there in the quickest way and that the way the legislation was drafted would present problems not only for getting the money out quickly but it might present problems for the HEAP clients getting their benefits timely. So we are working on hiring staff right now.

As we talked about at the last meeting, we had indicated to Legislator Alden that the Westchester model where they sent in the forms and they were processed and monies were sent directly to the clients would be a preferred method to ensure that our people receive the

dollars in a timely fashion. So we as a Department of Social Services have put together an administrative structure which we think would work well for the people of Suffolk County and are working towards implementing that with the goal of the Legislature having that support so when they make the policy decision on whether it goes to people above the HEAP levels or people that currently have HEAP but you can exhaust your HEAP benefits, so whether we go to them. But the goal right now is to have a structure in place so that in January in the height of the season you as a body have the ability to make the policy direction that's needed.

LEG. FOLEY:

If I just may follow•up. It's my thought •• I would think that we, in some respects, have made a policy decision, but if you're telling me that we need to pass the resolution to do such, I thought the policy decision was already made to appropriate additional dollars for HEAP; I think we did that in the '06 budget. In so doing •• back in November. In so doing, the original amount was what, 9.2, 9.8 million for HEAP that we spent last year?

COMMISSIONER DEMARZO:

I don't have the figure exactly, but yes, that's relatively close, yes.

LEG. FOLEY:

Yeah, but I think it was about nine •• it was about that.

COMMISSIONER DEMARZO:

Yeah, you're right around there.

LEG. FOLEY:

So we're really talking about a 10% increase, a little bit more than a 10% increase in the HEAP budget. That being the case, why would it require an overhaul of the administrative structure if it's only a 10% increase in funding?

COMMISSIONER DEMARZO:

If I could explain. HEAP is •• you know, one of the realities is we didn't really run out of HEAP dollars, we ran out of people that could, get HEAP benefits under the eligibility standards. So the issue is, you know, you're only entitled •• only a certain group of people are entitled to HEAP benefits and they're only entitled to so much, so the question is do you want to increase

the amount that they can get under HEAP or do you want to get additional people some level of benefit?

The way the State program works is the State takes the total Federal allocation and puts it and banks it and then each week we take our claims in and we draw down from that. And we didn't really close the HEAP funding to weigh in to, you know, the warmer weather last year, it was like April or May, but we ran out of people to serve in the colder weather sooner because you really get one regular HEAP benefit and an emergency HEAP benefit and then after that, that's all you're eligible for. So the policy decision for the Legislature is do you want to give more benefits during the colder weather or do you want to increase it to cover senior citizens that can't come in for the emergency, do you want new senior citizens to be eligible for some kind of supplemental? So it wasn't that we really ran out of dollars, we almost ran out of eligible people before we ran out of dollars and that's why the public policy issue is much more complex than just adding monies.

You know, I had explained at the last meeting that Westchester was really looking at giving it to people above the HEAP eligibility standards. And one of the concerns I have is that the HEAP staff is a hundred percent Federally funded and if we start to provide non-HEAP benefits through this structure, we'd have to time study the individuals and we'd have to use County monies to support it and there are limited space to actually increase the number of staff there at one time and we worked really hard this year at avoiding HEAP lines. So these are all the issues that we're looking at to ensure that the money gets out timely, that it meets the objective that the Legislature wants.

CHAIRMAN TONNA:

Can I make a suggestion then? Given this, can we table it and let the next, you know, Legislative session deal with this issue and stuff? It sounds like you guys are moving in the right direction. I would say that if this bill was passed or whatever else, it's not going to add to anything, right? I mean, we're basically •• you're moving with the sponsor to accomplish the goals that the sponsor has set.

MR. ZWIRN:

Absolutely.

CHAIRMAN TONNA:

And it gives the sponsor an opportunity, because he will be here in the Legislature next year, an opportunity to whether he wanted to amend his bill or •• I mean, he hasn't communicated with me as Chairman of the committee, he hasn't communicated with ••

LEG. O'LEARY:

Nor me.

CHAIRMAN TONNA:

•• you, you know, as spokesperson for the majority. So I would say that maybe tabling it would be the best; is that okay, Pete?

LEG. O'LEARY:

Yeah. I was only thinking of ••

CHAIRMAN TONNA:

Timing.

LEG. O'LEARY:

Yeah, the timing of it because of the end of the cycle.

CHAIRMAN TONNA:

Okay. So we're going to make •• I'm going to make a motion to table, seconded by Legislator Foley. All in favor? Opposed? ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Binder & Losquadro).*** Thank you, Janet.

COMMISSIONER DEMARZO:

Thank you.

Introductory Resolution

CHAIRMAN TONNA:

2348•05 • Amending the 2005 Capital Budget & Program and reappointing funds in connection with the Vector Control Supplemental Agreement for Caged Fish Study, Remote Sensing and Open Marsh Water Management (OMWM) Studies (CP

8204) (County Executive). I'm going to make a motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN TONNA:

Second by Legislator O'Leary. Oh, I missed one, okay. But anyway, on this one, all in favor? Opposed? ***Approved (VOTE: 5•0•0•2 Not Present: Legislators Binder & Losquadro).***

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN TONNA:

We missed Sense Resolution 71. Yes, sorry; Mr. Kennedy?

LEG. KENNEDY:

Yeah, before the vote on 2348, I was just going to ask, if I could, for an explanation, particularly in light of the fact that I do not think that we have a long term Vector Control plan that's been adopted yet.

CHAIRMAN TONNA:

Okay. Does somebody want to address that; Vito? It's nice to see you guys, you look warm. Tell me, how do the caged fish feel? Because I think Legislator Cooper might, you know, want to put in a bill about caged fish.

MR. MINEI:

Actually, they all died.

CHAIRMAN TONNA:

Have they?

LEG. KENNEDY:

Will we have a memorial fund?

CHAIRMAN TONNA:

We might need a task force or a memorial fund on that one.

MR. MINEI:

Not for the reasons suspected. Thank you. Good morning, Mr. Chairman, Members of the Committee. I'm Vito Minei, I'm Director of Environmental Quality for the Health Department. I'm joined by the Commissioner, Dr. Harper, and by the project manager for the long-term plan, Walt Dawydiak.

I just wanted to say on behalf of the staff, I was encouraged and reassured by the exchange earlier between you and Legislator Foley, and it was a good history lesson. We, of course, in the Health Department are counting on this bipartisan support of a somewhat comparable, if not overarching, like the smoking ban on the Vector Control Plan. But we're here for the issue at hand. Legislator Kennedy had some questions on this resolution?

LEG. KENNEDY:

Yes, I did. Thank you, Vito. As a matter of fact, I guess what I •• I know that recently, as a matter of fact, I had an opportunity to sit in on the CEQ determinations, a working session regarding the long-term mosquito control plan and recently we had presentations in the last committee cycle and I thought that we did not have an actual adopted long-term plan in place yet. I know that there's been no final CEQ SEQRA determination on the long-term plan, and so I was curious as to why it would be that we're transferring 320,000 to this initiative when, in fact, we do not have •• I guess my question goes to is the Open Marsh Water Management initiative part of the long-term vector control plan which as of right now is not a final adopted plan, nor has a SEQRA determination in place yet.

MR. MINEI:

You're correct on all accounts, but I'll let Walt Dawydiak address the details of this issue on the resolution. If I could turn it over to Walt?

MR. DAWYDIK:

Thanks. Walter Dawydiak, Chief Engineer for the Health Department. What we passed around is a table which summarizes supplemental funding that was approved by the Legislature last year for very specific demonstration projects. These are closely related to the plan but they are not in and of the plan themselves.

Caged Fish Study has been completed in its entirety. The Remote Sensing Project has not been completed but it's been contracted and the money is encumbered, so we're in good shape to finish that for long-term monitoring. We ran into trouble with Open Marsh Water Management mainly due to DEC permits; they required a tremendous amount of monitoring, planning and design. We were unable to finish the full 100 acres at the Wertheim National Wildlife Refuge. We did phase I which was 40 acres in 2004 into 2005. We'd like to finish the next 50 or so acres at Wertheim this coming year as well as continue designs for other Open Marsh Water Management. So as the table reflects, it was originally \$600,000 appropriated by 747•2004, we contracted 280,000 for phase I of Wertheim, the remainder is needed to complete the demonstration project and if there's any residual, to go ahead and design additional Open Marsh Water Management.

CHAIRMAN TONNA:

Okay. Thank you.

LEG. KENNEDY:

So it's a \$600,000 plan, 40 acres at Wertheim has been done. Ducks Unlimited is the contract vendee; is that correct?

MR. DAWYDIAK:

Ducks Unlimited will be one of the subcontractors. Cashin Associates and Ducks Unlimited were partners on this; so technically we contracted with Cashin, Ducks was a subcontractor to Cashin.

LEG. KENNEDY:

And this is the plan to actually go into the marshes, dig ponds and backfill ditches; is that correct?

MR. DAWYDIAK:

Yeah, I have handouts on that, if you're interested, a little presentation if ••

LEG. KENNEDY:

No, no, no, no, no.

MR. DAWYDIAK:

Okay.

LEG. KENNEDY:

I don't want to bore the balance of the committee.

CHAIRMAN TONNA:

Thank you.

LEG. KENNEDY:

I mean, you know, this is the last •• whatever. But I am specifically asking you, are we continuing to advance and fund an initiative that's a critical component of the long•term plan which does not have a SEQRA determination yet, nor is a final adopted plan; that's what I'm asking.

MR. DAWYDIAK:

That's not quite the way that I would state it. What we're funding is a demonstration project which did undergo SEQRA as per DEC, it's a marsh restoration project which also has an important mosquito control dimension. If successful, as it's been to date, it will support the plan in the long•term, but it's not the under pinning per se of the plan itself, the plan is separate.

MR. MINEI:

And it is a major component of the work plan that was authorized nearly three years ago for the overall project, so we're continue with that work plan, yes.

LEG. KENNEDY:

You mentioned that it's been successful to date, and that success is measured how?

MR. DAWYDIAK:

By the fact that the revegetation has been going very well, the marsh is teaming with birds, fish and crabs where it was not, and there was no need to larvicide that marsh whatsoever in the year 2005 where it was heavily larvicided in previous years. So on all counts, so far it's been doing very well.

LEG. KENNEDY:

This will go ahead and then fund the balance of the demonstration for Wertheim only?

MR. DAWYDIAK:

Substantially it will be used to implement Phase II of Wertheim, do any associated monitoring. And again, there's always a dimension of translating lessons learned from Wertheim to other Open Marsh Water Management; should the ponds have been deeper, bigger, what could we have done differently? So there is a translation to planning dimension of it, but substantially it's to implement Wertheim, yes.

LEG. KENNEDY:

Okay. Thank you for the explanation. Thank you, Mr. Chairman.

CHAIRMAN TONNA:

Okay, thank you very much. We've already voted on it and have the vote, so we'll leave that as it stands.

Okay, ***Sense Resolution 71 •• 2005 • Sense of the Legislature Resolution requesting the New York State Legislature to enact greater protection for domestic violence victims (Cooper)***. We tabled the Local Law, right; that's a Local Law, 2084? So I would say we should table this, too, and leave them as a package; am I correct?

LEG. MONTANO:

(Shook head yes).

CHAIRMAN TONNA:

Okay. I'll make a motion to table, second by Legislator O'Leary.

All in favor? Opposed? ***Tabled (VOTE: 5•0•0•2 Not Present: Legislators Binder & Losquadro)***.

Yes, Legislator Foley?

LEG. FOLEY:

Just in the spirit of how we started the meeting, at our last committee meeting I had requested

of the Commissioner to at least give an overview or •• well, give an overview, report back to us about the Tobacco Control Program and whether or not, you know, the resources are there that are needed. I know that Legislator Vilorio•Fisher has submitted legislation about additional staff for tobacco control and also just the general state of it and whether you're ready or not today to give us some kind of update on it, I don't think it will take too long.

But I would just also say •• and hopefully, Mr. Chairman, for the committee next year, that they'll take a very close look at this program. For a while we were able to reduce the wait for the cessation program from three months to several weeks and I think it's gone back up to many, many more weeks than that. And I would just hope that the new committee next year will look at it very carefully and give that particular unit within the Health Department the resources they need in order to ensure that it's the best program possible for cessation, for education and the like. So with that said, if you don't mind, Mr. Chairman, if we could just ••

CHAIRMAN TONNA:

Sure.

LEG. FOLEY:

Thank you.

COMMISSIONER HARPER:

If I can just briefly mention; yes, in fact the waiting time has gone up as a result of the loss of a nurse practitioner who is temporarily out and we're looking at ways of perhaps using other staff within the department to supplement the work that she did to again bring the waiting time down.

LEG. FOLEY:

What is the waiting time now?

COMMISSIONER HARPER:

I believe it's roughly somewhere in the range of about four to five weeks, that was the last that I recall. And we can •• we're certainly in favor of that program, that's something that we would like to continue.

LEG. FOLEY:

Yes.

COMMISSIONER HARPER:

The other concern was as it pertains to other facets of the program and that has been budgeted for 2006. So we're going to look forward to perhaps putting in place a way of sort of doing an overall monitoring and getting a sense of the program itself.

The question became which •• in fact, which vendor would potentially be used. At the time we were hoping to consider the Gallop Organization. I'm still currently working with SUNY Stony Brook and my hopes are to perhaps use them in some fashion to assist us with this project. We believe that we would be able to have the quality of a report that we would like using potentially SUNY Stony Brook as a vehicle to do that. But in essence, it is in our current budget for 2006.

LEG. FOLEY:

And just through the Chair, I know earlier in the year both the Chair and myself had discussed this in committee to you and to the department about Gallop and that, in fact, they were, in essence, chosen, they were just awaiting a signature on the contract. And the reason that we were very •• we were hopeful that it would be Gallop, they had done this kind of work not only for other municipalities but for other states, they have the track record, they have •• they wouldn't be reinventing anything. And they're a quality organization, obviously, whose experience would be able to give us a definitive measurement on the effectiveness of the program as it's currently administered. And we feel •• if I can say, speaking for the Chair •• we really feel that one of the things that has been absent for a long time in the County was measurement of the effectiveness of programs and if we can do that particularly with this program, it's crucial. And if we had the top•notch organization that could •• that has done this for other states to do it for our County, we thought that is, that was and it still is the best way to move forward. We certainly have Stony Brook on board and I know that longer term you want to create a ••

COMMISSIONER HARPER:

Public Health Institute.

LEG. FOLEY:

A Public Health Institute which I think is a fine idea. But I just don't know whether or not Stony Brook has ever undertaken the comprehensiveness of a measurement project as has Gallop, and that's why many of us had allocated the dollars in this year's budget for Gallop •• not for gallop, but for who the Health Department would have chosen and they initially had chosen Gallop. So we just have concerns. I don't know how •• if this is delayed again, how long it will be delayed and whether or not there would be •• this other vendor, if you will, would be up to the standards of Gallop, so.

COMMISSIONER HARPER:

Well, I concur. And we did, as you may be aware, we did seek to move forward with the Gallop poll this current year and we'll again attempt next year. But I guess in terms of a backup plan, in case that doesn't move forward, I'm also looking to work with SUNY Stony Brook.

CHAIRMAN TONNA:

Thank you very much. And for the last time, meeting adjourned.

(*The meeting was adjourned at 12:01 P.M. *)

***Legislator Paul Tonna, Chairman
Health & Human Services Committee***